



# City of Seattle

---

Gregory J. Nickels, Mayor

**Department of Planning & Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

**Application Number:** 2301627  
**Applicant Name:** Rick Utt, Project Architect, for J.J. & M. Wedgwood LLC.  
**Address of Proposal:** 7301 35<sup>th</sup> Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for the future construction of a one (1)-story commercial building containing 8,250 square feet of retail use. Parking for nineteen (19) vehicles will be provided on surface lot adjacent to proposed structure. The project includes the demolition of one existing structure and approximately 730 cubic yards of grading.

The following Master Use Permit components are required:

**Design Review** - Section 23.41, Seattle Municipal Code (SMC) with Development Standard Departures:

1. Setback Requirements for Specific Uses or Structures (23.47.014.F.3)
2. Landscaping for New Construction (23.45.016.B.1)
3. Screening and Landscaping Requirements for Specific Uses (23.45.016.D.1)
4. Site Triangle (23.54.030.G)

**SEPA-Threshold Determination** (Chapter 25.05 SMC).

**SEPA DETERMINATION:**      ☐ Exempt    ☒ DNS      ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction.

\*\*Early Notice DNS published July 10, 2003

Related Project #2302184, ECA exemption request to waive steep slope development standards was granted, but ECA Geological Hazard Areas submittal standards are still applicable for property addressed 7301 35<sup>th</sup> Avenue Northeast.

Site and Vicinity:

The 21,115 square foot site is located at 7301 35<sup>th</sup> Avenue NE on the northwest corner of 35<sup>th</sup> Avenue NE and NE 73<sup>rd</sup> Street in the Wedgewood Neighborhood. The property is zoned Neighborhood Commercial 2 with a thirty foot height limit (NC2-30'). The site is currently occupied by a vacated Godfather's Pizza restaurant fronting on 35<sup>th</sup> Avenue NE and its accessory parking lot to the sides and the rear of the lot. There are relatively steep slopes on the adjacent property to the west which are held in place by a large existing retaining wall wrapping around the perimeter of the parking lot to the north, south and the west. Zoning to the northwest, west and southwest of the site is designated as Single Family 5000 SF-5000). Property to the east is designated as (NC2-30) along 35<sup>th</sup> Avenue NE directly opposite the site. Further east residential Multifamily Low-rise 2 (L-2) is a transition buffer to Single Family 5000 (SF5000) zone. Eckstein Middle School is located three and half blocks west of the site. There is no alley, and access to the site is directly from 35 the Avenue NE.



Development in the vicinity is predominantly single family residential to the west and east of the site. However, along 35<sup>th</sup> Avenue NE, the main arterial, there are mixes of multifamily and commercial uses. The Messiah Lutheran Church is located across NE 73<sup>rd</sup> Street southeast of the site. Located directly opposite the site, are a Chevron gas station and convenient store and a Domino's Pizza restaurant. Safeway Grocery Store is located at the southeast intersection of 35<sup>th</sup> Avenue NE and NE 74<sup>th</sup> Street and mostly general retail businesses along 35<sup>th</sup> Avenue NE arterial.

Proposal:

The applicant proposes to construct an 8,250 square foot general retail building with surface parking to accommodate approximately 19 vehicles. The proposed one (1)-story building, would have a maximum height of 20 feet (top of parapet) above finished grade and would be sited on the north three quarters of the development site. Access to the surface parking lot would be from 35<sup>th</sup> Avenue NE within 20 feet of the Northeast 73<sup>rd</sup> Street intersection. A 1,500 square foot open space pedestrian plaza is proposed along the 35<sup>th</sup> Avenue NE frontage between the building and surface parking lot.

Public Comments

The SEPA comment period for this proposal ended on July 23, 2003. The Department received 3 comment letters during the public comment period, two of which related to neighbors wanting to know more about the project proposal and receive notification of public meetings. The third letter expressed support of the project to the neighborhood. The design review meetings were well attended.

The Early Design Guidance meeting took place on May 18, 2003. Three (3) Board members along with twelve (12) members from the public (six individuals filled out the sign in sheet) were present. Public comment focused on overflow traffic impacts on upon the surrounding neighborhood, bulk and scale of building, lighting fixtures, and compatibility of commercial tenants.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

On May 5, 2003, the Design Review Board of Area 2 met in an Early Design Guidance meeting to consider the site and design objectives of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comment the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

#### **A. Site Planning**

**A-1 Respond to Site Characteristics: The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

Considering the site conditions and the modest design proposal the Board agrees that the structure should be located to the north with parking located to the south. The Board emphasized a need to connect the parking lot and plaza with landscaping features, including but not limited to trellises, plants, pavers. The existing retaining walls should be "greened-up" to soften the hard blank surfaces. The Board was unanimous with this requirement to soften the existing retaining walls which are the dominating feature of the site. Several options should be explored to soften all the walls, and presented to the Board. Opportunities for unique lighting to create focal points on the walls should also be presented.

**A-2 Streetscape Compatibility: The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**

The Board feels that open site-lines should be provided to increase traffic visibility for exiting vehicles onto 35<sup>th</sup> Avenue NE. The Board would like the applicant to propose removing the possibility of on-street parking north of the driveway by bulbing the sidewalk or other design options available. This will involve working with DCLU and Seattle Department of Transportation (SDOT) to secure approval.

**A-3 Entrance Visible from the Street: Entrance should be clearly identifiable and visible from the street**

The Board encouraged the applicant to provide commercial (retail) entrances that would be visible and identifiable from the 35<sup>th</sup> Avenue NE right-of-way. The driveway entrance should be visually separate from the plaza and easily identifiable with landscaping features.

**A-4 Human Activity: development should be sited and designed to encourage human activity on the street**

The proposed addition of a pedestrian plaza was met with excitement and encouragement. The Board thinks the plaza should be designed to include opportunities to visually engage human interaction by establishing a hierarchy of design details to make the plaza as interesting as possible.

**A-5 Respect for Adjacent Sites: Buildings should respect adjacent properties by being located on their sides to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

The Board was particularly concerned about the impact of the one (1)-story structure's visual impact on single family neighbors to the west and on properties to the south. The rooftop mechanical equipment should be screened with features that integrate into the design elements of the structure. Ideally the mechanical equipment should be sited near the middle of the structure's roof area.

**A-8 Parking and Vehicle Access: Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**

With the proposed adjacency of the pedestrian plaza and surface parking lot, the architect should develop effective means to functionally and visually minimize potential conflicts. Striping and other design features should be provided in the parking and plaza areas to visually separate pedestrian activity spaces and pathways from vehicular traffic.

**A-9 Location of Parking on Commercial Street Fronts: Parking on a commercial street front should be minimized and where possible should be located behind a building.**

The parking lot abutting the 35<sup>th</sup> Avenue NE street frontage should be aggressively screened with landscaping. Trellises, arbors, and plants should be designed to create a hierarchy of space which provides a sense of depth to this landscaped and screening area. The Board emphasized the need to soften this 35<sup>th</sup> Avenue NE side edge with attractive landscaping to minimize views of the surface parking lot.

**A-10 Corner Lots: Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

The Board accepted the proposed design to locate the building away from the corner of 35<sup>th</sup> Avenue NE and NE 73<sup>rd</sup> Street. With this accepted design, the surface parking lot is proposed to be located at the corner. The Board would like to see this corner area highlighted with attractive screening and landscaping. The screening and landscaping treatment along NE 73<sup>rd</sup> Street should positively respond to the existing topographic conditions, including providing street trees on NE 73<sup>rd</sup> Street.

**B. Height, Bulk and Scale**

**B-1 Height, Bulk, and Scale Compatibility: Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects in zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.**

The Board noted that the design should provide a sensitive transition to the less intensive single-family zone to the west. The proposed height of the building is one story with a flat roof top. Commercial roof top features would adversely impact the views of the residential uses to the west. The Board would like to see roof top features (i.e., mechanical equipment, etc.) located to the east away from the abutting residential uses and screened in a manner that is attractive and integrated into the architectural style of the building.

## **C. Architectural Elements and Materials**

**C-1 Architectural Context: New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

The Board feels that the design should consider employing both a 50's motif and a contemporary design style to help anchor this new building in this eclectic neighborhood. There was an emphatic request to not incorporate fake bungalow style design features.

**C-2 Architectural Concept and Consistency: Building design elements, details and massing should create a well proportioned and unified building form and exhibit an overall architectural concept.**

The Board discouraged the use of large backlight signs at the development site. The architect was encouraged to integrate signage into the building's design and consider including subtle features that can establish a special character.

**C-3 Human Scale: The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale**

The applicant should provide some type of canopies along the retail street frontage to create a more intimate scale. The canopies should be low and wide enough to provide good weather protection. Attractive lighting should be included on the building or canopies all along the 35<sup>th</sup> Avenue NE.

**C-4 Exterior Finished Materials: Building materials should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

Use durable attractive and well-detailed finish materials. The Board advised the applicant to use brick finish materials (Roman brick masonry was one suggestion) to create more of a horizontal emphasis.

## **D. Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances: Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

The Board encouraged the applicant to continue with the design of the pedestrian plaza. The plaza location is ideally situated to take advantage of the morning and afternoon sunlight with its southern orientation.

**D-3 Retaining Walls: Retaining walls near a public-sidewalk that extends higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort along the streetscape.**

The design concept proposes to retain the existing retaining walls along the south, north and west property lines. In consideration of pedestrian activity on NE 73<sup>rd</sup> Street and 35<sup>th</sup> Avenue NE, blank walls should be avoided. The Board thinks the design should improve the appearance of the retaining walls by adding design features such as light fixtures and landscaping to "green up" the walls.

**D-4 Design of Parking Lots Near Sidewalks:** Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

The Board feels that the design should activate the parking area by including design features that visually create a sense of security between the plaza, retail uses and surface parking lot.

**D-6 Screening of Dumpsters, Utilities and Service Area:** Building sites should locate service elements like trash-dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should not be located in the pedestrian right-of-way.

The Board supports a screening design along the parking area that extends/incorporates design features of the proposed structure and site landscaping materials.

**D-7 Personal Safety and Security:** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The proposed building would be sited approximately 10 feet from the rear property boundary line that abuts a single family residential zone. The Board wanted this area to be secured with high gates and lighting to prevent anti-social activity. The Board felt that the setback area between the west facade of the proposed structure and property line presents too great of a safety risk to be ignored. The design should include measures to restrict activity in this rear area.

## **E Landscaping**

**E-3 Landscape Design to Address Special Site Conditions:** the site design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Both the community and the Design Review Board identified landscaping as a design guideline of highest priority. The Board requested that the applicant present a more detailed landscape plan delineating various landscaped areas such as retaining wall treatments, planting strips, buffer areas, and screening of parking, including proposed plant species.

**Summary:** The guidance of the Board reflected their concern as to how the proposed project would be integrated into a neighborhood in transition.

## **Design Review Board Recommendations**

On June 16, 2003, the applicant submitted the full Master Use Permit application. On August 18, 2003, the NE Seattle Design Review Board Area 2 convened for the recommendation meeting. The applicant team presented elevation renderings, site plans that responded to design guidelines set forth by the Board during the previous meeting. The applicant requested four (4) departures from the City's Land Use Code.

**Public Comments:** Fifteen (15) community members attended the August 18, 2003, Final Recommendation meeting. Their concerns and questions focused on perceived negative and positive aspects of the proposed landscaping features bordering the surface parking lot and pedestrian plaza. Two landscaping concerns triggered lengthy discussion, one involved visual obstruction of activity within the right-of-way, and the other included proposed materials and height of the proposed planter wall separating the surface parking lot from the plaza/store entrance. A neighbor asked about proposed security measures behind the building and along the north façade.

The following *departure* from standards of the Land Use Code were requested by the applicant at the time of the meeting and summarized below:

- 1) *To allow the removal of required setback for parking along Northeast 73<sup>rd</sup> Street from 5 feet to zero, and reduced the setback for parking along the west property line from five (5) feet to three (3) feet, partially due to existing retaining walls. (23.47.014.F.3)*
- 2) *To allow a reduction in the amount of required landscaping from 5% (1,055.75) of lot area to 4.79% (1,013 sq. ft.), partially due to siting of structure and existing surface parking lot. (23.45.016.B)*
- 3) *To allow the removal of a six foot high screening wall abutting residentially zoned lots and five (5) foot deep landscaped area, because existing retaining wall effectively screens vehicle activity in this area. (23.45.016.D.1)*
- 4) *To allow encroachment of trellis and plantings into site triangle between 32 inches and 82 inches above grade to accommodate creation of a prominent gateway. (23.54.030.G)*

NORMAL	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Setback for specific uses or structures 23.47.014.F.3	5 feet from street lot lines and property lines abutting residentially zoned lots	0 feet along NE 73 <sup>rd</sup> Street and 3 feet along the west property line.	<ul style="list-style-type: none"> <li>▪ Existing retaining walls provide screening of vehicles</li> <li>▪ Retaining wall protects a cut of approximately 5 to 14 feet above finished grade.</li> </ul>	Recommend approval
2. Screening and Landscaping 23.45.016.B	5% of lot area (.05 X 21,115) = 1,055.75 sq. ft.	1,013 sq. ft.	<ul style="list-style-type: none"> <li>▪ Applicant provided year round pedestrian plaza.</li> </ul>	Recommend approval
3. Screening and Landscaping for surface parking areas 23.45.016.D.1	6 foot high screening wall along the abutting residential lot & 5 foot deep landscaped area shall be required inside the screening wall.	0 feet for landscaped area adjacent to retaining wall.	<ul style="list-style-type: none"> <li>▪ Existing retaining wall is over 12 feet in height abutting the residential lot</li> <li>▪ Existing retaining wall footings preclude landscaping.</li> <li>▪ Little impact upon abutting residential lot would result.</li> </ul>	Recommend approval
4. Site triangle 23.54.030.G	Visual field clear of obstruction adjacent to driveway between 32 inches and eighty-2 inches from ground.	Trellis and plantings	<ul style="list-style-type: none"> <li>▪ Creation of a prominent gateway opening into parking lot.</li> <li>▪ Minor landscaping.</li> <li>▪ No parking zone is proposed adjacent to driveway.</li> </ul>	Recommend approval

### ***Board Discussion***

After taking into consideration site conditions and the proposed development design, the Board began their analysis by providing a general assessment of the project proposal and its impact on the neighborhood. The Board agreed that the siting of the modest one-story commercial building on the subject site's north three quarters was the most appropriate location to open up

opportunities for increased pedestrian activity along the streetscape. Locating the structure away from the northwest corner of 35<sup>th</sup> Avenue NE and NE 73<sup>rd</sup> Street would allow more natural sunlight to enter into the proposed pedestrian plaza. The design further reduced the appearance of bulk at a corner that also provides access to a less dense single family residential zone (SF 5000). The Board noted the brick masonry façade treatment for the proposed modulated structure will add character to the building and compliment the neighborhood. The entrance to the surface parking lot was thoughtful that needed greater architectural integration to key features at the development site.

The Board indicated that by modulating the structure both vertically and horizontally would effectively reduced the mass of the single story structure, with a portion of the structure adjacent to the pedestrian plaza stepping back from 35<sup>th</sup> Avenue NE, and the height of the parapet rising on either side of its center section, better responds to residential presence in the neighborhood. This reduction in the perceptual bulk of the structure along 35<sup>th</sup> Avenue NE and NE 73<sup>rd</sup> Street adequately responds to spatial characteristics along the streetscape. (*Guidelines A-1, A-2 & B-1*) The Board also noted that the rooftop elements had been minimized upon the roof line, further lessening the height impacts on adjacent residential lots to the west. (*Guidelines A-1, A-5 & B-1*) To underscore its presence in shaping future development in the neighborhood, the architect provided design features to make the development visually interesting and inviting to pedestrian activity along the streetscape. Landscaping, trellising, canopies, and horizontal brick work where emphasized by the design team. The Board was encouraged by this effort but emphasized greater cohesion between these design features was warranted to make the development more cohesive. (*Guidelines A-3, C-2, C-3, & E-2*) The pedestrian experience along 35<sup>th</sup> Avenue NE and NE 73<sup>rd</sup> Street will be enhanced with the (open space) pedestrian plaza and landscaping of the site along with the fluid integration of trellises and arbors.

Vehicle access from 35<sup>th</sup> Avenue NE has been designed to feature a gateway entrance into the surface parking area that includes additional landscape measures to soften the area and minimize the potential for vehicle pedestrian conflicts. (*Guidelines A-3, A-4, & A-8*) Scored colored concrete pedestrian walkways further reduce potential conflicts within the parking surface area. Additionally, the Board felt the architect met the challenge of downplaying the presence of three (3) existing monolithic retaining walls with landscaping features that included plantings and trellises. The design treatments to the retaining walls will frame the proposed structure in the most favorable light by drawing attention to consistent colors and materials in the architectural design palette. (*Guidelines D-2, D-3, & E-2*)

The pedestrian plaza provides an open space with good solar exposure and a sense of privacy adjacent to the buildings' southeast corner. (*Guidelines A-4 & D-1*) The concrete surface will be scored and colored to help define the plaza and pedestrian accesses. To activate the space year round outdoor heating fixtures and quality furniture will be used. The architect characterized the neighborhood as one in transition with a number of different design themes. The Board concurred with the architect's characterization of the neighborhood and noted that the design responds to the character of the neighborhood. (Guideline C-1) The proposed design is taking advantage of portions of existing materials and colors in the area and creating a revived look to the area's commercial structures. (*Guidelines C-2, C-3 & C-4*) Landscaping of the site, particularly the retaining walls and pedestrian open space area, is well designed and the materials selected with the concurrence of the assigned planner will be suitable to the site and the microclimate of their location. (*Guideline E-2*)



### ***Departure Analysis***

i. Setback for specific uses or structures (SMC 23.47.014.F.3)

Parking occupying the street-level frontage of a structure shall be set back at least five (5) feet from all street lot lines and along all property lines abutting residentially zoned lots for any portion of a structure which is not screened from the residential zone by the exterior wall of the structure. Further, the setback area is required to be landscaped. The existing retaining wall along the entire width of the lot that abuts a SF 5000 zone is approximately 12 to 15 feet in height above subjects site's finished grade. The setback standard is designed to minimize the impact of vehicle activity in an open parking lot. Effectively, the retaining wall provides the screening mechanism that eliminates vehicle impacts on the abutting lots.

ii. Screening and Landscaping (SMC 23.45.016.B)

Landscaping for new construction is required to equal five (5) percent of the lot area. The project proposal would otherwise provide 1,055.75 square feet, but the architect has chosen to reduce that amount by 42.75 square feet (or 1,013 sq. ft.) in order to install an open space pedestrian plaza. The plaza encompasses an area of approximately 1,500 square feet with planters to help define its southern and eastern edges. The addition of an open space area enhances the pedestrian experience for visitors to the site (*Guidelines A-4, C-3 & D-1*), which better serves the overall intent of the design guidelines.

iii. Screening and Landscaping for surface parking areas (SMC 23.45.016.D.1)

When a surface parking area abuts a lot in a residential zone, six (6) foot high screening element along the abutting lot line(s) shall be required. A five (5) foot deep landscaped area shall be required inside the screening. Additionally, surface parking areas for nineteen (19) or fewer vehicles shall be screened by three (3) foot high screening element along the street lot line. To place landscaping along the existing retaining wall abutting the residential zone would not add to screening of the residential lots. Likewise the lowest point along the south retaining wall (where vehicle stalls will be located) is approximately the same height as the required screening height, abutting the NE 73<sup>rd</sup> right-of-way. The retaining walls essentially achieve the desired visual screening of activity within the parking area upon the right-of-way and residential lots.

iv. Site triangle (SMC 23.54.030.G)

For two (2) way driveways or easements at least twenty-two (22) feet wide, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of ten (10) feet from the intersection of the driveway. The site triangle shall be kept clear of any obstructions in the vertical spaces between thirty-two (32) inches and eighty-two (82) inches from the ground. Creating a prominent vehicle "gateway" entrance would require architectural features within the site triangle area is favored by the Board. Additionally, an existing sign located in the site triangle should be replaced and modernized to reduce its bulk in said area. Balancing the need to provide a grand vehicle entrance that visually defines the parking area, and is attractive better serves the intent of the design guidelines, while minimizing obstructions within site triangle. (*Guideline A-3*)

***Summary of Departures***

<b>NORMAL</b>	<b>REQUIREMENT</b>	<b>REQUEST</b>	<b>JUSTIFICATION</b>	<b>ACTION</b>
1. Setback for specific uses or structures 23.47.014.F.3	5 feet from street lot lines and property lines abutting residentially zoned lots	0 feet along NE 73rd Street and 3 feet along the west property line.	<ul style="list-style-type: none"> <li>Existing retaining walls provide screening of vehicles</li> <li>Retaining wall protects a cut of approximately 5 to 14 feet above finished grade.</li> </ul>	APPROVED
2. Screening and Landscaping 23.45.016.B	5% of lot area (.05 X 21,115) = 1,055.75 sq. ft.	1,013 sq. ft.	<ul style="list-style-type: none"> <li>Applicant provided year round pedestrian plaza.</li> </ul>	APPROVED
3. Screening and Landscaping for surface parking areas 23.45.016.D.1	6 foot high screening wall along the abutting residential lot & 5 foot deep landscaped area shall be required inside the screening wall.	0 feet for landscaped area adjacent to retaining wall.	<ul style="list-style-type: none"> <li>Existing retaining wall is over 12 feet in height abutting the residential lot</li> <li>Existing retaining wall footings preclude landscaping.</li> <li>Little impact upon abutting residential lot would result.</li> </ul>	APPROVED
4. Site triangle 23.54.030.G	Visual field clear of obstruction adjacent to driveway between 32 inches and eighty-2 inches from ground.	Trellis and plantings	<ul style="list-style-type: none"> <li>Creation of a prominent gateway opening into parking lot.</li> <li>Minor landscaping.</li> <li>No parking zone is proposed adjacent to driveway.</li> </ul>	APPROVED

**Summary of Boards' Recommendations:**

The recommendations summarized below are based on the plans submitted at the August 18, 2003 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the August 18, 2003 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended approval of the subject design with conditions. The Board recommended approving all departures that were requested. The Board made the following recommendations. (Authority referred in the letter and number in parenthesis.):

1. Design and build trellises, arbors, and canopies with the same metal material to create greater integration of design components. The proposed design of the metal framed

- canopies should influence the design of the gateway entry arbor. The gateway entrance should be more prominent yet transparent and light with a reduction of bulk in the site triangle area. Details to be reviewed and approved by the DCLU planner. A-1, A-3, A-9, E-2
2. Plant additional higher landscaping strip separating the plaza and surface parking lot and raise the south masonry wall of the planter to create a better visual buffer. A-3, A-8, D-3, E-2
  3. Design the pedestrian entry plaza to function year round to encourage use during the autumn and winter months. Include all the tables and umbrellas shown, and provide heating elements in the umbrellas. The fireplace should be open to inside and outside of the building. A-4
  4. Design and build the chimney to express more of a Northwest character than a Southwest character in order to blend in better with the proposed brick materials of the building.
  5. The existing sign should be redesigned to be more compatible with the design concept subject to the approval by the DCLU planner. C-1
  6. Design and install low- level lighting between the structure's west and north façade and the property lines to provide security and reduce glare. D-7

#### **Director's Analysis and Decision : Design Review**

The Director of DCLU has reviewed the recommendations and conditions of the Design Review Board, including the requested design departures. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings*. The Director **APPROVES** the subject design and requested departures consistent with the Board's recommendations above. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on August 18, 2003. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented in the plans available at the August 18<sup>th</sup> public meeting.

#### **ANALYSIS - SEPA**

The development site is located in a steep slope critical area, thus the application is not exempt from SEPA review. An Environmental Critical Areas (ECA) Exemption Requests & Modifications to Submittal Requirements was applied for and conditionally waived. The ECA Steep Slope Development Standards were waived pursuant to 25.09.040 on March 2, 2003, but the Geological Hazard Areas Development Standards as well as other applicable ECA standards will apply to the project. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist prepared by Rick Utt and submitted on June 17, 2003. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Noise - There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the residents and commercial tenants in the surrounding residential and commercial buildings. Due to the proximity of other residential uses located to the west the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m.

and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

Earth/Soils - The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with geologic hazard areas and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted an application for an ECA exemption under project #23021844 in March 2, 2003. An ECA exemption was granted to waive steep slope development standards. However, ECA review is required because the site has soil conditions that need further scrutiny to properly evaluate subsurface, water conditions, and bearing strength capability. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DCLU. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic - Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is fronts along a major arterial and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

Air and Environmental Health - Given the age of the existing structure on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA permit prior to issuance of a demolition permit, if necessary. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

#### Long-term Impacts

No significant adverse long-term or use-related impacts associated with of approval of this proposal are anticipated. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other

development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Using data from the Institute of Traffic Engineers (ITE), it is estimated that the project, upon completion, will not have a significant adverse impact on neighborhood traffic flow and intersections. Traffic generation is driven by gross floor area of specific uses in this case the approximately 8,250 square foot general retail business did not cross a minimum threshold as determined by ITE to warrant a detailed analysis of vehicle activity. The proposal is not expected to have a significant adverse impact on traffic flow and or pedestrian and vehicle safety on 35<sup>th</sup> Avenue NE, NE 75<sup>th</sup> Street (major arterials) and NE 73<sup>rd</sup> Street, or other neighborhood streets. Seattle Department of Transportation is in the preconstruction stage of safety upgrades along 35<sup>th</sup> Avenue NE between NE 55<sup>th</sup> Street and NE 95<sup>th</sup> Street. Road surface improvements and updated signalization timing will provide additional safety features to reduce vehicle and pedestrian conflicts along this section right-of-way, thus favorably offsetting an increase of traffic flow.

Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of the potential long term impacts and no conditioning is warranted by SEPA.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **CONDITIONS – DESIGN REVIEW**

#### **Non-appealable conditions**

1. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.
2. Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DCLU planner prior to construction.

#### **Prior to issuance of MUP**

The owner/applicant shall update plans to show:

- i. Trellises, arbors, and canopies built with the same metal material to create greater integration of design components. Additionally the gateway entrance should be influenced by the design and materials employed in the trellises.
- ii. The gateway entrance should be prominent yet transparent and its bulk should be minimal in the site triangle area.

- iii. Higher density vegetation within the landscaping strip separating the plaza and surface parking lot and raise the south masonry wall of the planter
- iv. Demonstrate year round activity in the pedestrian plaza by including all the tables and umbrellas, and provide heating elements to be used during cooler months.
- v. Design and build the chimney to express more of a Northwest character than a Southwest character in order to blend in better with the proposed brick materials of the building. Show a fireplace that has openings inside and outside and a choice of colors that reflects the northwest vs. a southwest character (do not use a white color on the chimney).
- vi. Redesign the existing sign to be more compatible with the design concept employed throughout the development site.
- vii. Provide low- level lighting between the structure's west and north façade and the property lines to provide security and reduce glare.

### **CONDITIONS – SEPA**

#### **Prior to issuance of Demolition or Construction Permits**

1. The owner(s) and/or responsible party(ies) shall submit a copy of the PSCAA permit prior to issuance of a demolition permit, if a PSCAA permit is required.

#### **During Construction**

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturday). This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

Compliance with all conditions must be verified and approved by the Land Use Planner, Bradley Wilburn, ph.: 206-615-0508, at the specified development stage, as required by the Director's decision. The applicant/responsible party are responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: (signature on file) Date: October 30, 2003  
Bradley Wilburn,  
Land Use Planner  
Department of Planning & Development  
Land Use Services